



Montoya, Darlene <dmontoya@nmag.gov>

Policy

1 message

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Tue, Dec 27, 2016 at 7:59 AM

Reply-To: chief.julian@tocpd.org

To: Darlene Montoya <dmontoya@nmag.gov>

Darlene, I've attached our policy for use of force along with deadly force. It shows the date of 2005 as implemented. All of our officers are required to understand our use of force policy when they are hired and maintain that knowledge throughout their employment.

Scott Julian
Clayton PD

 Scan0058.pdf
908K

CLAYTON POLICE DEPARTMENT		GENERAL ORDER
SUBJECT: USE OF FORCE	NUMBER 2-6	
EFFECTIVE DATE: January 2005	REVIEW DATE: <u>July 1st 2009</u>	
AMENDS/ SUPERCEDES	APPROVED: <u>George J. Johnson</u> Chief of Police	

NOTE:

This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

Choke holds; firearms qualification; force; deadly, excessive, non-deadly prohibited acts, reporting use of, use of (general); vehicles (firing at/from), oleoresin capsicum (OC)/pepper spray, ASP, shotguns, less lethal force rounds and tear gas, weapons (off duty and on duty), AR-15.

I. POLICY

Officers are confronted daily with situations requiring the use of force to effect an arrest or ensure public safety. The degree of force used depends on what the officer perceives as reasonable and necessary under the circumstances at the time he or she decides to use force. Except for deadly force, the application of any degree of force is justified only when the officer reasonably believes that it is necessary.

- A. To prevent the escape from custody a fleeing felon, when the officer has reason to believe the suspect has or has attempted to commit serious physical injury or death to a person or the officer; or
- B. To defend himself or herself or another from what the officer believes is the use of force while trying to arrest another, prevent his or her escape, or otherwise lawfully take the person into custody.
- C. Facts or circumstances unknown to the officer shall not be considered in later determining whether the use of force was justified. The department expects officers to observe the following two guidelines in all applications of force:
 - 1. Employ the minimum force reasonably necessary to accomplish a lawful objective.

1. Immediately notify the on duty supervisor, the commander on call, or the Chief of Police if the supervisor is unavailable of any use of physical force.
2. Complete all written reports from all officers involved and submit those reports to the Chief of Police within 24 hours. The reports will describe the incident and any medical aid rendered, and shall substantiate the force used.

C. Depending on the seriousness of any injury resulting from the application of force, whether to a citizen or officer, the Chief of Police shall notify the Town Manager and in case of death, the District Attorney and the Medical Examiner.

IX. DEPARTMENTAL RESPONSE

A. Assignment

Pending administrative review, any officer who has taken the life of another person or has caused great bodily harm shall be removed from line-duty assignment. This action protects both the officer's and the community's interest until the situation is resolved.

B. Review

1. The Chief of Police shall review all reported uses of force to determine whether:
 - a. Departmental orders were violated;
 - b. Relevant departmental policy was clearly understandable and effective to cover the situation; and
 - c. Departmental training was adequate.
2. At least annually, the Chief of Police shall compile a summary of use of force incidents to be made available to the public.

C. Internal investigations

Internal investigations of serious applications of force, usually of compliance techniques and more severe methods, shall be of two types conducted simultaneously; first, an administrative investigation to determine whether department standards were followed; second, a criminal one to detect lawbreaking. A criminal investigation shall be discontinued whenever the department is satisfied that no misconduct occurred. [RR 1-9](#) details the two types of investigations.

1. Dual investigations shall be conducted on all shootings.

D. Psychological services

Psychological follow-up of post shooting trauma will normally be directed by the Chief of Police whenever deemed appropriate. During an internal investigation, the department shall do all within its power to avoid placement of a stigma on the officer who shoots in performance of duty. Following a shooting resulting in death, the officer shall not return to duty until a psychological evaluation has been conducted and the officer has received counseling. (If requested by employee) and or recommended by psychologist based upon psychological evaluation

[NOTE: The use of trade (if any) in this order does not imply endorsement of any product. Rather, this general order may refer to a trade name only to convey the degree of specificity required by written policy.]